

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. NO.29312 OF 2004

AND

W.P.M.P.NO.35588 OF 2004

S.Devasigamony

... Petitioner

Versus

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai-600 009.
 2. The Commissioner
for the Rehabilitation of The Disabled
Mylapore, Chennai-14.
 3. The District Disabled Rehabilitation Officer,
Rehabilitation Centre, Nagercoil, Kanyakumari District.
 4. The Correspondent
C.S.I High School for the Deaf
Kottaram-629 703 Kanyakumari District.
- ... Respondents

PRAYER:

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of the petitioner with all attendant benefits from 06.02.2002.

For Petitioner : No appearance
For Respondents : Mr.P.Chinnadurai
Additional Government Pleader
for R1 to R3
No Appearance for R4

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to approve the appointment of the petitioner with all attendant benefits from 06.02.2002.

2. The case of the petitioner is that he was appointed as a Secondary Grade Assistant in C.S.I. Higher Secondary School for the Deaf and on 06.02.2002 and was working till the filing of the Writ Petition. Pending Writ Petition, interim order was passed on 07.03.2006, directing the respondents to pay salary to the petitioner and the same was continuing till date. Subsequently after the order passed by the Division Bench of this Court in case of Gracelin Sophiah, the respondents approved the appointment of the petitioner on 22.11.2019 right from his initial appointment in the secondary grade teachers post and granted him all the benefits due as secondary grade assistant teacher and all the secondary grade teachers posts were upgraded as BT Assistant posts with effect from 04.07.2008 as per G.O.Ms.144. It is further stated that though the petitioner has repeatedly approached the respondents and sought for attendant benefits from 4.7.2008 in the post of B.T.Assistant, the authorities have neither passed any order in writing negating his requests nor they have acceded to it.

3. The learned counsel for the petitioner would submit that though the third respondent has initially refused to grant approval for the appointment of the petitioner as secondary grade teacher, subsequently the third respondent vide proceedings dated 19.11.2002 & 12.08.2003 has requested the second respondent to grant approval from the appointment of the petitioner, who in turn requested the State Government for the approval and therefore the petitioner has filed this Writ Petition seeking for the aforesaid relief. It is further submitted that pendency of the Writ Petition, interim order was passed and continued till date. As per the decision of the Division Bench of this Court, the respondents have approved the post as per G.O.Ms. 144 and all the secondary grade teachers posts were upgraded as BT Assistant Posts with effect from 04.07.2008, in view of which the petitioner was also upgraded and therefore he made several representations to the respondents seeking to extend the attendant benefits to him from 4.7.2008 in the post of B.T.Assistant, but the respondents have not considered his request. It is further submitted that attendant benefits were extended to the similarly placed persons and therefore he prays this Court that similar benefits may be granted to the petitioner.

4. The learned Additional Government Pleader would submit that at the time of filing of this Writ Petition, the petitioner's post was not approved and pending writ petition interim order was passed and the same continued till date. He would further submit that only after the filing of the writ petition, the post was approved and further the petitioner has given the letter that has given up her right for promotion in case of approval of his post and therefore she cannot claim the

benefits for the upgraded post of B.T.Assistant and hence he prays for dismissal of this Writ Petition.

5.Admittedly the petitioner has completed M.A. , B.Ed., in the year 1992 and was appointed as Secondary Grade Teacher and posses special qualification for teaching deaf and dumb and undergone ten months course conducted by the Government of Tamil Nadu. Initially as his post was not approved, he filed the Writ Petition before this Court seeking for the aforesaid relief. Further this Court has granted interim order to pay salary of Secondary Grade Assistant to the petitioner from 2006 and the same was continued till date. Subsequently in view of the G.O.Ms.144, all the secondary grade teacher posts were upgraded as B.T.Assistant posts with effect from 04.07.2008. Therefore, when the Government passed an order upgrading the post of Secondary Grade teachers to B.T. Assistants from the date of appointment, the said benefit should be extended to the petitioner as he is fully eligible for the same. Therefore, this Court is of the view that he is entitled to get benefits as B.T. Assistant with effect from 04.07.2008 to till date. Hence, the respondents are directed to extend the same to the petitioner.

With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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C.S.I High School for the Deaf
Kottaram-629 703
Kanyakumari District.

+1cc to M/s.Lita Srinivasan, Advocate, S.R.No.42296

+1cc to Government Pleader, in Sr.No.42509

W.P.No.29312 of 2004

SRII(CO)
CS/03/02/2021



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